

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ebner *et al.*

Appl. No. 09/712,142

Filed: November 15, 2000

For: **Connective Tissue Growth Factor-3**

Art Unit: 1647

Examiner: Romeo, D.

Atty. Docket: 1488.0630002/EKS/KRM

**Statement Concerning the ATCC Deposit**

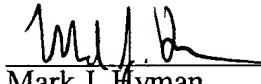
Commissioner for Patents  
Washington, D.C. 20231

As an attorney of record in the present application, I, Mark J. Hyman, hereby give the following assurance by signature below:

1. Human Genome Sciences, Inc., the assignee of the present application, has deposited biological material under the terms of the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure with the following International Depository Authority: American Type Culture Collection (ATCC), Patent Depository, 10801 University Boulevard, Manassas, Virginia 20110-2209 (present address). The deposit was made on October 10, 1996, and given ATCC Accession Number 97756. A copy of the ATCC Deposit Receipt for Accession Number 97756 is attached herewith.

2. In accordance with M.P.E.P. § 2410.01 and 37 C.F.R. § 1.808, assurance is hereby given that all restrictions on the availability to the public of ATCC Accession Number 97656 will be irrevocably removed upon the grant of a patent based on the instant application, except as permitted under 37 C.F.R. § 1.808(b).

Dated: January 31, 2003

  
Mark J. Hyman  
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# American *Type* Culture Collection

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## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### ***INTERNATIONAL FORM***

#### **RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

**To: (Name and Address of Depositor or Attorney)**

Human Genome Sciences, Inc.  
Attn: Robert H. Benson  
9710 Key West Avenue  
Rockville, MD 20850

**Deposited on Behalf of:** Human Genome Sciences, Inc. (Docket PF319)

**Identification Reference by Depositor:** **ATCC Designation**

DNA Plasmid, HOEB639 97756

The deposit was accompanied by:        a scientific description        a proposed taxonomic description indicated above.

The deposit was received October 10, 1996 by this International Depository Authority and has been accepted.

**AT YOUR REQUEST:** X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested October 17, 1996. On that date, the culture was viable.

**International Depository Authority:** American Type Culture Collection, Rockville, Md. 20852 USA

**Signature of person having authority to represent ATCC:**

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: October 19, 1996